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PATENT APPLICATION

ATTORNEY DOCKET NO. 100202103-1

IN THE  
UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): Andrew Harvey Barr

Confirmation No.: 6663

Application No.: 10/690,066

Examiner: Stephen E. Jones

Filing Date: 10/20/2003

Group Art Unit: 2817

Title: CIRCUIT BOARD AND METHOD IN WHICH THE IMPEDANCE OF A  
TRANSMISSION-PATH IS SELECTED BY VARYING AT LEAST ONE OPENING IN A  
PROXIMATE CONDUCTIVE PLANE

Mail Stop Amendment  
Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

TRANSMITTAL LETTER FOR RESPONSE/AMENDMENT

Sir:

Transmitted herewith is/are the following in the above-identified application:

- (X) Response/Amendment ( ) Petition to extend time to respond  
( ) New fee as calculated below ( ) Supplemental Declaration  
(X) No additional fee  
( ) Other: \_\_\_\_\_ (fee \$ \_\_\_\_\_)

CLAIMS AS AMENDED BY OTHER THAN A SMALL ENTITY						
(1) FOR	(2) CLAIMS REMAINING AFTER AMENDMENT	(3) NUMBER EXTRA	(4) HIGHEST NUMBER PREVIOUSLY PAID FOR	(5) PRESENT EXTRA	(6) RATE	(7) ADDITIONAL FEES
TOTAL CLAIMS		MINUS		= 0	X \$50	\$ 0
INDEP. CLAIMS		MINUS		= 0	X \$200	\$ 0
[ ] FIRST PRESENTATION OF A MULTIPLE DEPENDENT CLAIM					+ \$360	\$ 0
EXTENSION FEE	1ST MONTH \$120.00	2ND MONTH \$450.00	3RD MONTH \$1020.00	4TH MONTH \$1590.00		\$ 0
OTHER FEES						\$
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT						\$ 0

Charge \$ 0 to Deposit Account 08-2025. At any time during the pendency of this application, please charge any fees required or credit any overpayment to Deposit Account 08-2025 pursuant to 37 CFR 1.25. Additionally please charge any fees to Deposit Account 08-2025 under 37 CFR 1.16 through 1.21 inclusive, and any other sections in Title 37 of the Code of Federal Regulations that may regulate fees. A duplicate copy of this sheet is enclosed.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, Alexandria, VA 22313-1450.

Respectfully submitted,

Andrew Harvey Barr

By

Paul F. Rusyn

Attorney/Agent for Applicant(s)  
Reg. No. 42,118

Date: 3/3/2006

Date of Deposit: 3/3/2006

Typed Name: Jamie Vrsek

Signature: Jamie Vrsek



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Andrew Harvey Barr

Title: **CIRCUIT BOARD AND METHOD IN WHICH THE  
IMPEDANCE OF A TRANSMISSION-PATH IS SELECTED  
BY VARYING AT LEAST ONE OPENING IN A  
PROXIMATE CONDUCTIVE PLANE**

Serial Number: 10/690,066

Filing Date: October 20, 2003

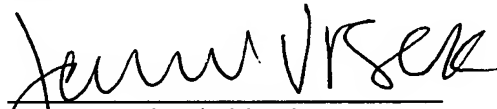
Examiner/Unit: Stephen E. Jones / 2817

Attorney Docket No.: 100202103-1 (1964-22-3)

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited in the United States Postal Service as First Class mail in an envelope addressed to: MS AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450,

on this 3rd day of March, 2006

  
\_\_\_\_\_  
Jamie Vrsek

RESPONSE TO RESTRICTION REQUIREMENT

March 3, 2006

TO THE COMMISSIONER FOR PATENTS:

This communication is in response to the Restriction Requirement dated December 20, 2005 in which the Examiner restricted the pending claims in the present patent application.

The Examiner has restricted the claims into ten groups. In the Restriction Requirement, some claims are grouped based upon Figure 1, which is a background

figure and does not illustrate an embodiment of the present invention. Thus, the undersigned is unsure how to properly respond to the present Restriction Requirement. This is clear from the application given that Figure 1 is discussed under the Background section of the application. The figure can be so labeled in a future response if so requested by the Examiner.

For the purposes of this response, the undersigned has assumed in the groups including "Figure 1" this should be "Figures 2A and 2B." The Applicants respectfully traverse the restriction requirement on two grounds: 1) no basis for restriction is set forth in the requirement; and 2) the Examiner can search and examine the entire application without serious burden. Although the Applicants traverse the restriction requirement as discussed below, they provisionally elect to prosecute Group 2 corresponding to Figures 2A and 2B and claims 1-11 and 14-16 if the Examiner does not withdraw the restriction requirement.

With regard to the first basis of traversal, no basis for restriction is set forth in the requirement. The requirement states that the "application contains claims directed to the following patentably distinct species of the claimed invention." Besides this conclusory statement, there is no rationale for restriction set forth in the requirement. Why is each of the listed species "patentably distinct" from the others? No reason is set forth. In fact, the undersigned cannot fathom a reasonable basis for restriction into so many different species. All structures are transmission paths and it is hard to imagine that restriction on the basis of how many bridging conductors and the spacing of such conductors is proper. These structures are transmission paths and to think that these structures are so different that they need to be examined independently defies logic. To enable the undersigned to properly traverse and request reconsideration of the requirement, the basis for the restriction must be set forth in the requirement. This has not been done in the present requirement. Withdrawal of the requirement and examination of all pending claims is requested.

Regarding the second basis of traversal, according to MPEP § 803, if the Examiner can search and examine the application without serious burden, then he/she **MUST** examine the application on the merits even though it includes claims to independent or distinct inventions. As discussed above, claims 1-11, 14-23, 25-28 and 30-35 recite similar subject matter and therefore the Examiner can perform a single search and examination that will cover all of the claims. Consequently, the Examiner can search and examine the application without serious burden, and, therefore, **MUST**

examine all of the claims 1-11, 14-23, 25-28 and 30-35 together.

Furthermore, because these claims recite related subject matter, examination of these claims will involve similar analyses. Therefore, it is only slightly more burdensome for the Examiner to search and examine claims 1-11, 14-23, 25-28 and 30-35 than it would be for him/her to search and examine the provisionally elected Group 2 claims 1-11 and 14-16. Consequently, because there is no serious burden on the Examiner to search and examine all of the claims 1-11, 14-23, 25-28 and 30-35, the **restriction is improper**. Therefore, the Examiner **MUST** withdraw the restriction and examine all of the claims.

For all these reasons, the Applicants respectfully request the Examiner to withdraw the restriction requirement and to examine all of the claims 1-11, 14-23, 25-28 and 30-35. If the Examiner believes that a phone interview would be helpful, he is respectfully requested to contact the Applicants' attorney, Paul F. Rusyn, at (425) 455-5575.

Respectfully submitted,

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